



SF 124 – Cell Phones as Contraband (LSB 1183SV)

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Fiscal Note Version – New

Requested by Senator Gene Fraise

Description

[Senate File 124](#) creates a new offense, possession of electronic contraband, and prohibits electronic contraband in a county jail, municipal holding facility, or State correctional facility. Electronic contraband is defined as a mobile telephone or other hand-held electronic communications device. The Bill provides a Class D felony for possessing or supplying electronic contraband. Failure to report electronic contraband to officials is an aggravated misdemeanor.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for contraband, ranging from an aggravated misdemeanor to a Class D felony.
- There was one incident in FY 2010 involving a cellular phone as contraband in the State corrections system.
- There are currently 97 county jails and 10 temporary holding facilities. There are nine State prisons and 20 locations for Community-Based Corrections (CBC) residential facilities.
- The average State cost for one aggravated misdemeanor ranges from \$2,100 (court costs and probation) to \$6,700 (court costs with a jury, prison, parole, and indigent defense). Costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.
- The average State cost for one Class D felony conviction ranges from \$4,750 (court costs, indigent defense, and probation) to \$12,300 (court costs with a jury, indigent defense, prison, and parole). Costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

Minority Data Information

- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2009 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.7% of Iowa's population is white. The composition of the remaining 7.3% is: 2.5% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.9% is of two or more races or unknown.
- The U.S. Department of Justice estimates there were 2.3 million offenders incarcerated in federal or State prisons and local jails on June 30, 2009 (the most recent data available). Men comprise 91.2% of the population. Approximately 39.4% of the 2.3 million offenders were black; 34.2% were white; 20.6% were Hispanic; and 5.8% were of other races or unknown.
- Iowa's prison population was 8,603 offenders on June 30, 2010. Men comprised 91.8% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.7% white; 25.5% black; 1.0% Asian or Pacific Islander; and 1.8% American Indian or

Alaska Native. Included in these racial groups were 6.8% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
- The law will become effective July 1, 2011. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.

Minority Data Information

Approximately 14.8% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.8%.

Summary of Impacts

Correctional Impact

The correctional impact is expected to be minimal due to the low number of convictions under current law.

Minority Impact

The minority impact is not anticipated to be significant because of a low number of expected convictions.

Fiscal Impact

The fiscal impact is expected to be minimal due to the low number of convictions under current law.

Sources

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Public Defender
Judicial Branch

/s/ Holly M. Lyons

February 8, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Iowa Code [Section 2.56](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
